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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KNABLE, GEOFFREY L

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/535,751	Applicant(s) UYTTENBOOGAART, PAUL RICHARD	
	Examiner Geoffrey L. Knable	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-22 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/19/05</u> . | 6) <input type="checkbox"/> Other: ____. |

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1. Claims 1-14 and 16-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 5, the phrase “magnets for by magnetically attracting the metal parts retaining...” is grammatically awkward and confusing. It would seem that at least commas are needed after “magnets for” and “metal parts”. An analogous ambiguity is present in claims 11 and 17.

In claim 12, line 1, it is noted that the space between “claim” and “11” appears to have been omitted.

Claim 16 defines a support member “intended and suitable for use in a belt and tread drum according to claim 1”. The scope of this claim is however indefinite as there is no indication which, if any, of the defined requirements of the support member in the claim 1 drum are requirements in claim 16. In fact, as presently drafted, claim 16 most logically reads on almost any support member that is capable of being used with a drum as in claim 1 and does not require any of the specifics of the support member as defined in claim 1. Thus for example, claim 16 does not even require magnets. An analogous ambiguity is presented by claim 20.

In claim 18, line 2, the reference to “preferably tray-shaped” renders the claim indefinite as it is not clear if this is a positive requirement of the claim.

It is not seen how claim 22 further limits claim 17 in view of the amendment in the last line thereof.

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2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9, 11-14 and 16-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Dine et al. (US 6,603,232).

As to claim 1, Van Dine et al. discloses a drum shaped rotor (e.g. fig. 1) comprising one or more support members arranged at the circumference of the drum, which are provided with a support surface, wherein the support members comprise magnets (24) in holders (32) configured such that the magnets are adapted to be placed from the radial inside in the support members/holders (note inwardly facing orientation of holders), wherein the drum at the circumferential side comprises portions (30) that engage over the holders in tangential and/or axial direction of the drum, wherein the drum at the circumferential side comprises second portions (26 and/or 32) that engage over the magnets in tangential and/or axial direction of the drum. Although this rotor is not designed for use as a belt and tread drum, it is not seen that the present claims

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define the drum in a manner that would structurally distinguish the rotor of the reference. In particular, the surface of the drum is capable of accepting layers and the magnets therein would be capable of attracting metal parts in the layers. A drum as required by claim 1 is therefore anticipated. As to claims 2-4, the overlaying support surfaces cooperate in overlying the magnets/holders (esp. fig. 2). As to claim 5, the magnets when assembled with the drum cooperate with the parts forming the support surfaces, and thus are part of the supporting surface structure of the drum. As to claim 6, the support surfaces form at least part of the support members. As to claim 7, the holders engage over the magnets. As to claims 8 and 13, note for example wedged parts "44". As to claim 9, the fig. 3 structure forms a tray. As to claim 11, as already noted, the magnets and/or holders are confined at the outer side by support members. As to claim 12, the holders "32" engage over the magnets and confine them. As to claim 14, the for example laminated pole pieces "18" would provide a discernable marking, especially as compared to the adjacent materials. As to claims 16 and 20, corresponding support members are taught for the same reasons. As to claims 17, 19 and 21-22, as already noted, support members (forming part of the support surfaces) engage over the magnets and the magnets (24) in holders (32) are configured such that the magnets are adapted to be placed from the radial inside in the support members/holders (note inwardly facing orientation of holders). As to claim 18, the magnets are engaged in holders over which support portions lie and thus the magnets/holders are radially inward thereof. Note that since the present claims are directed to a drum and not a method for assembly thereof, the various references to

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how the magnets are placed are read as defining a final configuration in which the drum support members radially overlies the magnets and thereby radially constrain them from the radial outside.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dine et al. (US 6,603,232) as applied above, and further in view of Weiglhofer et al. (US 6,548,932).

Van Dine et al. indicate that the channel holder (32) is made of non-magnetic material but does not provide details thereof. Weiglhofer et al. is directed to a similar drum with non-magnetic channel shaped magnet holders (20) and in particular suggests that one such suitable non-magnetic material is stainless steel (col. 3, lines 25-27). Use of steel for the holder would therefore have been obvious.

6. Claims 11, 12, 17 and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Weiglhofer et al. (US 6,548,932).

As to claim 11, Weiglhofer et al. discloses a drum shaped rotor (e.g. fig. 1) comprising one or more support members arranged at the circumference of the drum, which are provided with a support surface, wherein the support members comprise magnets (22) in holders (20) that form confining portions at the outer side that confine the magnets. Although this rotor is not designed for use as a belt and tread drum, it is not seen that the present claims define the drum in a manner that would structurally distinguish the rotor of the reference. In particular, the surface of the drum is capable of accepting layers and the magnets therein would be capable of attracting metal parts in the layers. A drum as required by claim 11, and support member as required by claim

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20, is therefore anticipated. As to claim 12, the holder 20 forms the confining portions over the magnets. As to claims 17, 21 and 22, the magnets (22) in holders (20) are configured such that the magnets are adapted to be placed from the radial inside in the support members/holders (note inwardly facing orientation of holders). Note again that since the present claims are directed to a drum and not a method for assembly thereof, the various references to how the magnets are placed are read as defining a final configuration in which the drum support members radially overlie the magnets with an inward facing opening engaging the magnets. As to claim 19, the part 38 also forms a support surface.

7. Claims 11, 12 and 20 are rejected under 35 U.S.C. 102(a) as being anticipated by Ozawa (US 4,923,554).

As to claims 11 and 20, Ozawa discloses a belt drum including a support surface with magnets (11) and what can be termed holders (plates 10 and/or grooves within which the magnets are fitted and/or plates 12) and confining portions (plates 12) at an outer side which confine the magnets. As to claim 12, the plates can be termed the holders and form the confining portions.

8. Claims 17, 19 and 22 are rejected under 35 U.S.C. 102(a) as being anticipated by JP 2002-361758.

JP '758 (machine translation included with this office action) discloses a belt drum including support members accommodating magnets (c) placed from the radial inside, the support surface engaging over the magnets (esp. fig. 5).

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9. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lechner (US 6,150,746 - e.g. figs. 3-4), Cavazos (US 5,938,579) and Bray (US 3,721,189) are other examples of magnet retaining structures but are at present no more relevant than the applied prior art.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geoffrey L. Knable/
Primary Examiner, Art Unit 1791

G. Knable
June 14, 2008